

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23748 of 2024

Arising Out of PS. Case No.-68 Year-2022 Thana- CHAPRA TOWN District- Saran

Bhaskar Chouhan Son of Awadhesh Kumar Singh R/o Village- Nand Lal Tola,
P.S.- Chhapra Town, District- Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2024 Heard learned counsel for the Petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 518 of 2022 arising out of Chhapra Town P.S. Case No. 68 of 2022, dated 01.02.2022 registered for the offences punishable under Sections 302, 498A read with Section 34 of the Indian Penal Code.

3. Mr. Yashraj Bardhan, learned counsel appearing for the petitioner submits that the petitioner earlier filed Cr. Misc. No. 61848 of 2022 for the relief of regular bail which was rejected by this Bench vide order dated 24.02.2023 and now, the petitioner has again come before this Bench for the relief of regular bail mainly on the grounds of his long incarceration period as well as lingering attitude of the prosecution in



producing the witnesses. Learned counsel further submits that the petitioner has been languishing in jail since 28.03.2022 and the charge was framed upon him on 07.12.2022 and thereafter, out of six prosecution witnesses, only three prosecution witnesses have been examined so far and the last (third) witness who has been examined, did not appear for a long period after recording his examination-in-chief so, in view of the lingering attitude of the prosecution witnesses, there is no chance of early conclusion of the trial of the petitioner. Learned counsel further submits that most of the material witnesses have been examined before the trial court except one non-official witness and the petitioner himself surrendered before the trial court and the marriage of the petitioner's wife (deceased) took place in the year 2012 and at the time of the commission of the offence, the petitioner was not present at the place of occurrence and after getting information of the offence, he rushed to his house and took the victim to the hospital which shows his *bona fide* intention, in fact, the victim committed suicide on account of some family dispute.

4. Mr. Shyameshwar Dayal, learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Heard both the sides. Though, there is serious



allegation against the petitioner but considering his long custody period as well as lingering attitude of the prosecution in producing the witnesses and also, the fact that three material witnesses of the prosecution have been examined, this Court is now inclined to accept the prayer for bail of the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 518 of 2022 arising out of Chhapra Town P.S. Case No. 68 of 2022.

(Shailendra Singh, J)

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